GENERAL ELECTRIC COMPANY

AFFIDAVIT

I, Glenn G. Sherwood, being duly sworn, depose and state as follows:

1. I am Manager, Nuclear Safety and Licensing Operation, General Electric Company, and have been delegated the function of reviewing the information described in paragraph 2 which is sought to be withheld and have been authorized to apply for its withholding.

2. The information sought to be withheld is contained in Mark I Containment Program Document "Response Factors Appropriate for Use With CO Harmonic Response Combination Design Rules", SMA 12101.04-R002D, Structural Mechanics Associates for General Electric Company, March 1982.

3. In designating material as proprietary, General Electric utilizes the definition of proprietary information and trade secrets set forth in the American Law Institute's Restatement Of Torts, Section 757. This definition provides:

> "A trade secret may consist of any formula, pattern, device or compilation of information which is used in one's business and which gives him an opportunity to obtain an advantage over competitors who do not know or use it.... A substantial element of secrecy must exist, so that, except by the use of improper means, there would be difficulty in acquiring information.... Some factors to be considered in determining whether given information is one's trade secret are: (1) the extent to which the information is known outside of his business; (2) the extent to which it is known by employees and others involved in his business; (3) the extent of measures taken by him to guard the secrecy of the information; (4) the value of the information to him and to his competitors; (5) the amount of effort or money expended by him in developing the information; (6) the ease or difficulty with which the information could be properly acquired or duplicated by others."

4. Some examples of categories of information which fit into the definition of proprietary information are:

   a. Information that discloses a process, method or apparatus where prevention of its use by General Electric's competitors without license from General Electric constitutes a competitive economic advantage over other companies;

   b. Information consisting of supporting data and analyses, including test data, relative to a process, method or apparatus, the application of which provide a competitive economic advantage, e.g., by optimization or improved marketability;

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Certified By [signature] 9/30/83

c. Information which if used by a competitor, would reduce his expenditure of resources or improve his competitive position in the design, manufacture, shipment, installation, assurance of quality or licensing of a similar product;

d. Information which reveals cost or price information, production capacities, budget levels or commercial strategies of General Electric, its customers or suppliers:

e. Information which reveals aspects of past, present or future General Electric customer-funded development plans and programs of potential commercial value to General Electric;

f. Information which discloses patentable subject matter for which it may be desirable to obtain patent protection;

g. Information which General Electric must treat as proprietary according to agreements with other parties.

5. In addition to proprietary treatment given to material meeting the standards enumerated above, General Electric customarily maintains in confidence preliminary and draft material which has not been subject to complete proprietary, technical and editorial review. This practice is based on the fact that draft documents often do not appropriately reflect all aspects of a problem, may contain tentative conclusions and may contain errors that can be corrected during normal review and approval procedures. Also, until the final document is completed it may not be possible to make any definitive determination as to its proprietary nature. General Electric is not generally willing to release such a document to the general public in such a preliminary form. Such documents are, however, on occasion furnished to the NRC staff on a confidential basis because it is General Electric's belief that it is in the public interest for the staff to be promptly furnished with significant or potentially significant information. Furnishing the document on a confidential basis pending completion of General Electric's internal review permits early acquaintance of the staff with the information while protecting General Electric's potential proprietary position and permitting General Electric to insure the public documents are technically accurate and correct.

6. Initial approval of proprietary treatment of a document is made by the Subsection Manager of the originating component, the man most likely to be acquainted with the value and sensitivity of the information in relation to industry knowledge. Access to such documents within the Company is limited on a "need to know" basis and such documents at all times are clearly identified as proprietary.

7. The procedure for approval of external release of such a document is reviewed by the Section Manager, Project Manager, Principal Scientist or other equivalent authority, by the Section Manager of the cognizant Marketing function (or his delegate) and by the Legal Operation for technical content, competitive effect and determination of the accuracy of the proprietary designation in accordance with the

standards enumerated above. Disclosures outside General Electric are generally limited to regulatory bodies, customers and potential customers and their agents, suppliers and licensees only in accordance with appropriate regulatory provisions or proprietary agreements.

8. The document mentioned in paragraph 2 above has been evaluated in accordance with the above criteria and procedures and has been found to contain information which is proprietary and which is customarily held in confidence by General Electric.

9. The document mentioned in paragraph 2 above develops criteria to be used for the evaluation of Mark I containments for condensation oscillation loads by comparing the FSTF test results with harmonic structural analyses and by validating the criteria for a Mark I plant. The document was prepared under the Mark I containment program and is proprietary as specified in Sections 4c and 4g.

10. Public disclosure of the information sought to be withheld is likely to cause substantial harm to the competitive position of the General Electric Company and to deprive or reduce the availability of profit making opportunities because cost required to obtain the information amounted to approximately $80,000.

STATE OF CALIFORNIA)
COUNTY OF SANTA CLARA) ss:

Glenn G. Sherwood, being duly sworn, deposes and says:

That he has read the foregoing affidavit and the matters stated therein are true and correct to the best of his knowledge, information, and belief.

Executed at San Jose, California, this 29 day of July, 1983.

Glenn G. Sherwood
General Electric Company

Subscribed and sworn before me this 29 day of July 1983

OFFICIAL SEAL
KAREN S. VOGELHUBER
NOTARY PUBLIC - CALIFORNIA
SANTA CLARA COUNTY
My Commission Expires Dec. 21, 1984

Karen S. Vogelhuber
NOTARY PUBLIC, STATE OF CALIFORNIA

pc/L07183

GPU Nuclear

GPU Nuclear
P.O. Box 388
Forked River, New Jersey 08731
609-693-6000
Writer's Direct Dial Number:

September 14, 1983

Mr. D. G. Eisenhut, Director
Division of Licensing
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Subject: Oyster Creek Nuclear Generating Station
Docket No. 50-219
Mark I Containment

During our meeting of July 14, 1983, held at the MPR offices with members of your staff and Brookhaven National Laboratory, it was agreed that the following information would be provided:

1. The responses to the NRC letter of May 27, 1983 requesting additional information about the electromatic relief valve (ERV) tests conducted at Oyster Creek during August 1977.

2. The written responses, which were discussed at the MPR meeting, to the questions submitted by Brookhaven National Laboratory by letter dated April 14, 1983.

3. A copy of the Mark I Containment Program document titled, "Response Factors Appropriate for use with CO Harmonic Response Combination Design Rules", which was prepared by Structural Mechanics Associates for General Electric.

The enclosures to this letter provide that information. If additional information is needed, please contact Mr. Michael Laggart of my staff at (609) 971-4643.

Very truly yours,

Peter B. Fiedler
Vice President and Director
Oyster Creek

PBF/dam
Enclosures

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